

NATURE OF CHARGE: Adulteration, Section 402(b)(1), a valuable constituent, vitamin A, had been in whole or in part omitted from the products.

Misbranding, Section 403(a), the label statements (both products) "Each Tabsule Contains Vitamin A 5000 U. S. P. Units" and (Super Multi-Caps 9 Vitamins) "Minimum daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1 1/4 Times" were false and misleading since the products contained less than 5,000 U. S. P. units of vitamin A per tabsule, and the Super Multi-Caps 9 Vitamins would not provide the stated proportion of the minimum daily requirement for vitamin A.

DISPOSITION: February 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to the Red Cross.

10892. Adulteration of Pa-Poya. U. S. v. 100 Bottles * * *. (F. D. C. No. 18459. Sample No. 8149-H.)

LIBEL FILED: November 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1945, by Tropical Fruits Laboratory, Inc., from Miami, Fla.

PRODUCT: 72 1-pint bottles, 24 1-quart bottles, and 4 1-gallon bottles of Pa-Poya at New York, N. Y. Examination showed that the product was a clear, sirupy, amber-colored liquid, having the odor and taste of burnt sugar, with slight proteolytic activity.

LABEL, IN PART: "Pa-Poya * * * A Concentrate Syrup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seeds; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * So rich in Natural Vitamins A-B-C-G and ten minerals."

NATURE OF CHARGE: Misbranding, Section 502(a), certain statements on the label were false and misleading since they represented and suggested that the article possessed health-giving, curative, and vitalizing properties; that it would aid digestion; that it would be effective in treating stomach disorders, sore throat, eczema, indigestion, gastric disorders, disorders of children, and many other ailments; that it would be effective to combat acidosis; that it would digest proteins; and that it would aid in avoiding "morning after disaster." The article would not be effective for such purposes.

Further misbranding, Section 403(j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral content, and its label failed to bear, as required and prescribed by the regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B, C, and G, and the 10 minerals supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10893. Misbranding of Adolphus dietary foods. U. S. v. 72 Bottles of Wheat Germ Oil Capsules, etc., and a quantity of printed matter. (F. D. C. No. 15370. Sample Nos. 31967-H, 31968-H, 31973-H to 31983-H, incl.)

LIBEL FILED: May 1, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 2, 1945, by Adolphus Hohensee, from Phoenix, Ariz.

PRODUCT: 72 bottles of Wheat Germ Oil Capsules, 31 bottles of Pure Soy Bean Lecithin Capsules, 12 bottles of High Potency Vitamin C Tablets, 111 bottles of Vitamin C Tablets, 10 bottles of Mineral Capsules, 63 bottles of Garlic Parsley Capsules, 17 bottles of Dicalcium Phosphate and Vitamin D Tablets, 133 bottles of Improved "B" Complex Tablets, 36 jars of Malt-O-Soy, and 8 jars of Concentrated Broth, at San Diego, Calif., together with a number of accompanying display cards entitled "The Wheel O' Life," a number of accompanying booklets entitled "The Health, Success and Happiness Lectures 'High Blood Pressure'" and "What About the Vegetables and Fruits We Eat Today?" and a number of accompanying booklets headed "Lecture Series on Health and Progress," with subheadings "How to Think to Attain Success," "Better Eyes Without Glasses," and "Your Personality Glands."

NATURE OF CHARGE: Wheat Germ Oil Capsules. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Your Personality Glands" and on the display cards were false and misleading since they suggested and implied that the article would be effective in the treatment or prevention of the pain and suffering associated with the menopause period; that it would prevent atrophy of the "personality" glands; that use of the article would assure a long life free from suffering and disease; that it would promote general well-being, vigor of personality, and mental and physical vigor; that it would prevent miscarriage and sterility; that it would be efficacious in the prevention and treatment of "angotrophic" lateral sclerosis; and that it would strengthen the sexual power of men. The article would not be effective in the treatment or prevention of the conditions named, nor would it otherwise fulfill the promises of benefit stated and implied.

Pure Soy Bean Lecithin Capsules [or Pure Soy Bean Lecithin and Vitamin D Capsules]. Misbranding, Section 403 (a), the label statement "A Food Supplement" was misleading since it implied that lecithin is an essential nutritional factor for man, whereas the supplementation of diets with lecithin would be of no nutritional or therapeutic significance; and certain statements in an accompanying booklet entitled "Lecture Series on Health and Progress * * * What is Brain Food?" were false and misleading since they represented and suggested that the article would be effective to nourish the brain, whereas it would not be effective for such purpose.

Vitamin C Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" were false and misleading since they represented and suggested that the article would correct or prevent faulty vision or other eye conditions, hay fever, asthma, and catarrh, whereas the article, either alone or in combination with other treatments, would not be effective for such purposes.

Mineral Capsules. Misbranding, Section 403 (a), the following label statements were misleading since they suggested that the article was of dietary significance by reason of the substances named, whereas the article was of no dietary significance because of the presence of those substances: "(Magnesium) from Magnesium Sulphate Dried 7.2 Mg. (Zinc) from Zinc Sulphate C. P. Dried 3.0 Mg. * * * (Sodium) from Sodium Chloride C. P. Dried 2.5 Mg. (Cobalt) from Cobalt Sulphate .2 Mg. (Potassium) from Potassium Chloride C. P. 1.3 Mg. (Manganese) from Manganous Sulphate (2H²O) 3.4 Mg. (Sulphur) traces from Nos. 1, 6, 7, 9, and 11 Liver Concentrate, from Fresh Livers 30.0 Mg. Soybean Lecithin 15.0 Mg. C. P. Wheat Germ Oil 214.0 Mg. * * * The Liver concentrate used in these capsules is from U. S. Government inspected fresh livers." In addition, certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and "What About the Vegetables and Fruits We Eat Today?" and certain statements on the display cards were false and misleading since they represented and suggested that the article would prevent or correct faulty vision, asthma, hay fever, and sinus difficulties. The article, either alone or in combination with other treatments, would not be effective for such purposes.

Garlic Parsley Capsules. Misbranding, Section 403 (a), the label statements "Directions: Used as a Food Supplement * * * One Capsule before each meal" were misleading since they represented and suggested that the article was of nutritional significance, whereas it provided no ingredients of nutritional significance.

Dicalcium Phosphate and Vitamin D Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress How to Think and Attain Success" and on the display cards were false and misleading since they represented and suggested that the article would be effective in nourishing the brain. The article, either alone or in combination with other substances, would not be effective for such purpose. Further misbranding, Section 403 (f), the information required by the regulations under Section 403 (j) appeared inconspicuously on the labeling since it appeared in small type on a side panel at right angles to the principal printed matter on the label.

Improved "B" Complex Tablets. Misbranding, Section 403 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and on the display card were false and misleading

since they represented and suggested that the article would be effective in the prevention or treatment of faulty vision, hay fever, and inflamed eyes. The article, either alone or in combination with other products, would not be effective for such purposes.

Malt-O-Soy. Misbranding, Section 403 (a), the following label statements were misleading since they suggested and implied that the article would supply factors that would be effective in the treatment and prevention of the conditions named, whereas it would not be effective in the treatment and prevention of those conditions, nor would it otherwise fulfill the promises of benefit suggested or implied: "hypoallergic and serves as * * * protein diet in the cases of allergic people. * * * It is a definitely alkalinizing food and of great value in treating arthritis or dieting acid or ulcer states, and serves as an ideal non-residue diet of high nutrition value in intestinal disorders particularly amoebic dysentery, sprue and colitis. * * * of known therapeutic value in intestinal disturbances. * * * the richest source and unquestionably the highest type of protein known. * * * Malt-O-Soy supplies every purpose of animal milk for the growing child, for the adult, and the pregnant or nursing mother."

Concentrated Broth. Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the specific vitamin and mineral properties upon which such dietary use was based in whole or in part; and its label failed also to bear a statement of the proportion of the minimum daily requirements or the amount of such vitamins and minerals furnished by a specified quantity of the article when consumed during the period of 1 day.

The articles, with the exception of the Concentrated Broth, were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2092.

DISPOSITION: June 18, 1945. No claimant having appeared, judgment of condemnation was entered and the products, including the printed matter, were ordered destroyed.

10894. Misbranding of Alberty dietary foods. U. S. v. 6 Cartons of Alberty Vitamin-Mineral Capsules, etc. (F. D. C. No. 13345. Sample Nos. 81301-F to 81311-F, incl., 81314-F, 81315-F, 81319-F.)

LABEL FILED: On or about September 11, 1944, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 18, 1943, and August 21, 1944, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 6 cartons of Alberty Vitamin-Mineral Capsules, 19 packages of Instant Alberty Food, 9 cartons of Oxorin Tablets, 7 cans of Alberty's Regular Food, 6 cartons of Alberty's Vegetable Compound Capsules, 31 bottles of Alberty Vitamin B Complex Tablets, 8 bottles of Alberty's Vitamin B₁, 6 boxes of Alberty's Vitamin A Shark Liver Oil, 28 bottles of Alberty's Phosphate Pellets, 13 bottles of Recal Calcium Tablets, 11 bottles of Alberty's Vi-C, 14 cartons of Cheno Combination Tablets, and 16 bottles of Alberty Phospho B Tablets at Kansas City, Mo.

The composition of the articles, as disclosed by examination of samples thereof, is set forth in notices of judgment on drugs and devices, No. 2057.

The labeling of the articles included a number of the following booklets and leaflets which accompanied the articles when introduced into, and while in, interstate commerce: "The Alberty Diet," "Health Mysteries," "Calcium The Staff of Life," "Instant Alberty Food," "Are You Left Peppless and Pale," "Alberty Foods," "Help Yourself to a lot of New Vitality," "Vitamin C," "Check Yourself for Plenty of B Vitamins," "Do You Know? Vitamin 'A'," "Alberty's Vitamin A Shark Liver Oil," "Living to the Fullest," and "Sleep Nights!"

NATURE OF CHARGE: Alberty Vitamin-Mineral Capsules, Oxorin Tablets, Alberty's Regular Food, and Alberty's Vegetable Compound Capsules. Misbranding, Section 403 (a), certain statements in the labeling were false and misleading since they represented and suggested that, when used in combination with the Alberty Diet, and singly or in combination with each other, the articles would be efficacious to correct polyuria (excessive urine), and thirst and other